

AMENDMENT UNDER 37 C.F.R. § 1.116  
U.S. Application No. 09/775,626  
Attorney Docket No. Q61668

**REMARKS**

Reconsideration and allowance of this application are respectfully requested. Claims 11, 22 and 39 have been amended. Claims 1-39 are pending in the application. The rejections are respectfully submitted to be obviated in view of the remarks presented herein.

**Rejection Under 35 U.S.C. § 102(e) - Palmer**

Claims 1-4, 6, 8, 10-14, 16, 18-28, 30, 32 and 34 have been rejected under 35 U.S.C. § 102(e) as allegedly being unpatentable over Palmer (U.S. Patent Number 6,078,403). The rejection is respectfully traversed.

Regarding claim 1, Applicants' claimed invention relates to a method of creating data for printing through page editing operation. A determination is made as to whether there is any part of a page that has not been received at the time of page editing, and if so, dummy parts data is created for the unreceived parts. The dummy parts data is inserted in the place of unreceived parts in the page position allocated for the unreceived parts, creating dummy page data. The dummy parts data is replaced by received parts data when the unreceived parts data is received, thus creating page data for printing.

Turning to the cited art, Palmer discloses presentation and processing of a document having a variable data area. Portions of a base document are identified as *variable data areas*, where a page description language comment statement associated with each variable data area is inserted within stored data. The comment statement includes format parameters of the variable data area and an identifier of selected variable data (see Abstract). As shown in Palmer's Figure

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2, the document presentation is set up by a variable data area definition program (formatting extension (42), field identification extension (43), and output extension (45)). The formatting extension (42) invoked by a user identifies and formats variable data areas within a base document (44). The field identification extension (43) identifies a field within a variable data file (48) that contains a variable data object to be presented within a particular variable data area of base document (44) (column 3, lines 53-61). The variable data areas are areas that the user desires to reserve for variable data objects (column 3, lines 48-53). A post processor (50) merges the variable data stored in variable data file (48) into corresponding areas within variable data areas in the base document (44) (column 4, lines 1-24).

As shown in Palmer's Figure 3, the user enters dummy data for a variable data area, wherein the dummy data includes size and formatting information (64) for the variable data area. The user entered dummy data identifies the variable data that the user desires to insert into each respective dummy data region (column 5, lines 12-17). The user selects a dummy data region within the base document (44) that the user desires to define as a variable data area (column 5, lines 21-24).

In Palmer's Figure 4, dummy variable data within a dummy data region is replaced, by the formatting extension (42), with page description language prolog (88), which are format parameters (column 6, lines 9-12). Additionally, the field identification extension (43) prompts the user to input the filename of a variable data file (48) that contains the variable data object to be presented within the selected variable data area of base document (44) (column 6, lines 32-37). "In response to the user specifying the filename of variable data file 48, the process

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proceeds to block 194, which depicts field identification extension 43 prompting the user to select a record within variable data file 48" (column 6, lines 40-44). The field identification extension (43) then prompts the user to identify a field that contains the variable data object to be presented within the selected variable data area (column 6, lines 49-53).

However, Palmer does not determine if any parts of the page has not received corresponding parts data by the time of a page editing operation, and create dummy parts data for the unreceived parts if such a determination is made, as claimed. In Palmer, the user entered dummy data is not dependent upon a determination of any part of the page not receiving corresponding parts data by the time of a page editing operation. The selection of a dummy data region in Palmer is made only as the user desires, to define the dummy data region as the variable data area (column 5, lines 21-24). No determination is made in Palmer of any parts data not having been received. Thus, Palmer fails to teach or suggest "determining if there is any part of the page, for which corresponding parts data has not been received by the time of the page editing operation, and if so, creating dummy parts data for the unreceived parts data," as recited in claim 1.

In addition to Palmer's deficiency as discussed above, there is also no unreceived parts data in Palmer. Instead, in Palmer, the user defines all variable data areas in a base document, and variable data objects are retrieved from a designated database during document processing (merging). Additionally, dummy data in Palmer is used solely to identify the variable data that the user desires to insert into the respective dummy data region (column 5, lines 7-20). Palmer

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does not use dummy parts data for inserting in a position on a page allocated for unreceived parts data.

Palmer retrieves variable data from a variable data file (48) and merges this data into corresponding variable data areas within the base document (52) (column 4, lines 1-14). Additionally, Palmer does not receive unreceived parts data to replace dummy parts data. The data in Palmer is already stored in the variable data file (48) and ready for merging. All fixed and variable information is generated upon creation of the base document (44) and variable data file (48). All of the data in Palmer's variable data file (48) is preexisting, and Palmer suggests that the variable data file (48) has always existed. Palmer merges variable data with the base document (44) in order to create multiple versions of the document using the variable data. The user of the system of Palmer is relied upon to input the filename of the variable data file (48) containing the already existing variable data, in order to merge this existing data into the base document (44) (column 6, lines 32-44). Because all necessary data is already stored in the variable data file (48) and no unreceived parts data exists, Palmer's document processing does not later receive previously unreceived parts data and replace the dummy parts data with such received data, as described in claim 1.

The Examiner has interpreted the unreceived parts data as "data that user enters but prior to user entering it," (Office Action page 11). However, it appears that it is the variable data file (48) and its stored data that is the Examiner's interpretation of Palmer's unreceived data, not any data not yet entered by the user. Palmer does not teach or suggest any not yet entered data that becomes involved in its processing. Rather, the data is assumed to be stored to a file. The user

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entered dummy data in a variable data area in Palmer can not be considered to be unreceived parts data because dummy page data is recited in the claimed invention to be created by inserting dummy parts data for the unreceived parts data, as claimed. This interpretation of Palmer would be inconsistent and does not teach or suggest the claimed invention. Palmer suggests the existence of the data in the variable data file as of the time of creation of the document. There is no suggestion that Palmer's variable data file (48) **does not contain** the variable data initially during data processing or merge time, or of the variable data file (48) later receiving any variable data.

At least by virtue of the aforementioned differences, the invention defined by Applicants' claim 1 is allowable over Palmer. Applicants' claims 2-4, 6, 8, 10 and 28 are dependent claims including all of the elements of independent claim 1, which as established above, distinguishes over Palmer. Thus, claims 2-4, 6, 8, 10 and 28 are allowable over Palmer for the aforementioned reasons as well as for their additionally recited features. Reconsideration and withdrawal of the rejection under 35 U.S.C. § 102(e) are respectfully requested.

Regarding amended claim 11, Applicants' claimed invention is a corresponding apparatus of method claim 1, and is allowable over Palmer for reasons similar to those as discussed above. Although the Examiner has interpreted "unreceived parts data" to be a thought process of a user which has not been entered, In re Bell 26 USPQ2d 1529 (Fed. Cir. 1993) has made clear that method steps such as those performed by an operator do not establish the presence of elemental features of claims for an apparatus. A user or a user's thought processes does not establish the presence of the logic portions elements as recited in claim 11. Applicants'

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claims 12-14, 16, 18-20 and 30 are dependent claims including all of the elements of independent claim 11, which as established above, distinguishes over Palmer. Thus, claims 12-14, 16, 18-20 and 30 are allowable over Palmer for the aforementioned reasons as well as for their additionally recited features. Reconsideration and withdrawal of the rejection under 35 U.S.C. § 102(e) are respectfully requested.

Regarding claim 21, Applicants' claimed invention relates to a system for creating printing data during page editing and layout. Applicants' system comprises a data processing arrangement including a logic portion and another logic portion. The logic portion creates dummy parts data having link information for unreceived parts data, with the link information linking the dummy parts data with a storage location in a data processing arrangement. Dummy parts data is inserted in a position on the page allocated for the unreceived parts data. The another logic portion operates in background monitoring the storage location in the data processing arrangement, and replaces the dummy parts data with the parts data in accordance with the link information, when parts data is stored at the storage location.

Applicants' claimed invention is allowable over Palmer for reasons similar to those as discussed above. Additionally, Palmer fails to disclose another logic portion monitoring the storage location and replacing dummy parts data with parts data in accordance with link information, when parts data is stored at the storage location. Palmer's variable data file (48) is not monitored and there is also no replacement of dummy data when parts data is stored at any location in Palmer. Therefore, Palmer fails to teach or suggest "another logic portion, which operates in background monitoring the storage location in the data processing arrangement, and

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when parts data is stored at the storage location, said another logic portion replaces the dummy parts data with the parts data in accordance with the link information,” as recited in claim 21.

At least by virtue of the aforementioned differences, the invention defined by Applicants’ claim 21 is patentable over Palmer. Applicants’ claim 32 is a dependent claim including all of the elements of independent claim 21, which as established above, distinguishes over Palmer. Thus, claim 32 is allowable over Palmer for the aforementioned reasons as well as for its additionally recited features. Reconsideration and withdrawal of the rejection under 35 U.S.C. § 102(e) are respectfully requested.

Regarding amended claim 22, Applicants’ claimed invention relates to a method of editing data. Applicants’ method comprises creating application data with defined page layout and file link information, storing received data, creating dummy page data for data not yet received, and replacing the dummy page data with expected data, wherein dummy page data is created upon a determination that data has not been received by the time application data is created.

Applicants’ claimed invention is allowable over Palmer for reasons similar to those as discussed above. Data is already stored in the variable data file (48), thus, Palmer fails to teach or suggest “data not yet received.” Furthermore, Palmer also fails to teach or suggest the creation of dummy page data upon a determination that data has not been received by the time application data is created. At least by virtue of the aforementioned differences, the invention defined by Applicants’ claim 22 is patentable over Palmer. Applicants’ claims 23-27 and 34 are

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dependent claims including all of the elements of independent claim 21, which as established above, distinguishes over Palmer. Thus, claims 23-27 and 34 are allowable over Palmer for the aforementioned reasons as well as for their additionally recited features. Reconsideration and withdrawal of the rejection under 35 U.S.C. § 102(e) are respectfully requested.

**Rejection Under 35 U.S.C. § 103(a) - Palmer**

Claims 5, 7, 9, 15, 17 and 36-39 have been rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Palmer. The rejection is respectfully traversed.

Regarding claims 5, 7, 9, 15 and 17, Applicants' claimed invention relates to a method of creating data for printing through page editing operation, as recited in claims 1 and 11. A determination is made if there are any parts of a page that has not been received at the time of page editing, and dummy parts data is created for the unreceived parts. The dummy parts data is inserted in the place of unreceived parts in the page position allocated for the unreceived parts, creating dummy page data. The dummy parts data is replaced by received parts data when the unreceived parts data is received, thus creating page data for printing.

As discussed above, Palmer does not teach or suggest Applicants' claimed invention as recited in claims 1 and 11. Applicants' claims {5, 7 and 9} and {15 and 17} are dependent claims including all of the elements of independent claims 1 and 11, respectively, which, as established above, distinguish over Palmer. Thus, claims 5, 7, 9, 15 and 17 are allowable over Palmer for the aforementioned reasons as well as for their additionally recited features.

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Reconsideration and withdrawal of the rejection under 35 U.S.C. § 103(a) are respectfully requested.

Regarding claims 36-39, as discussed above, the Examiner has interpreted the unreceived parts data as “data that user enters but prior to user entering it,” (Office Action page 11). However, it appears that it is the variable data file (48) and its stored data that is the Examiner’s interpretation of Palmer’s unreceived data, not any data not yet entered by the user. Palmer does not teach or suggest any *not yet entered data*. The user entered dummy data in a variable data area in Palmer can not be considered to be unreceived parts data because dummy page data is recited in the claimed invention to be created by inserting dummy parts data for the unreceived parts data, as claimed. This interpretation of Palmer would be inconsistent and further does not teach or suggest the claimed invention. Palmer suggests the existence of the data in the variable data file as of the time of creation of the document. There is no suggestion that Palmer’s variable data file (48) **does not contain** the variable data initially during data processing or merge time, or of the variable data file (48) later receiving any variable data. Furthermore, in the alternative interpretation, dummy parts data not yet entered by a user cannot be considered to be unreceived data because the user entered dummy data in a dummy page data is created by inserting dummy parts data for the unreceived parts data. For example, claim 39 recites that “data not yet received comprises data parts not yet provided to a user.” Because the data parts are not yet provided to the user, they cannot be data not yet entered by the user, as Examiner’s contention still requires the data to be inside the user’s head and therefore “provided to a user.” Thus, claims 36-39 are allowable over Palmer for the aforementioned reasons as well as for their

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additionally recited features. Reconsideration and withdrawal of the rejection under 35 U.S.C. § 103(a) are respectfully requested.

**Rejection Under 35 U.S.C. § 103(a) - Palmer in view of Warmus et al.**

Claims 29, 31, 33 and 35 have been rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Palmer in view of Warmus et al. (U.S. Patent Number 6,332,149 B1) (hereinafter “Warmus”). The rejection is respectfully traversed.

Palmer fails to teach or suggest determining if any parts of the page has not received corresponding parts data by the time of a page editing operation, and further create dummy parts data for the unreceived parts data when corresponding parts data is determined to have not been received. Additionally, Palmer does not even have unreceived parts data. Because all necessary data is already stored in the variable data file (48) and no unreceived parts data exists, Palmer’s document processing does not later receive previously unreceived parts data and replace the dummy parts data with such received data.

Warmus does not remedy the deficiencies of Palmer. Warmus discloses the reproduction of images on a display device using master and variable information for creating different versions of a book. Different versions may contain additional pages or other customized information. Warmus’ system has one set of template data for each section or version of a book, each set of template data including master data representing fixed information and area data in which variable information is to be printed. An area of a page is selected for reproduction of variable data therein, and name or field information is inserted into the template file as an

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insertion point definition. A dummy file along with an indication of the field name is inserted into the template file, such that a user will see the dummy file at the insertion point of the display when the page is viewed (column 11, line 62 through column 12, line 35.) A database is developed having entries representing variable information, specifying the locations on particular pages for the variable information (column 8, lines 3-7). The display device displays the sets of template data with selected variable information (summary, column 3, line 32 through column 4, line 35). The variable information is reproduced on the corresponding pages as stored in the template files. Warmus incorporates blocks of process images and text in the template files. When variable information is found in a template file and includes a field name of the database, the image or text box is deleted from the template file and replaced with the field name from the database (column 13, line 24 through column 14, line 42). This process “fills in” placeholder information on a page with information from the database field (column 14, lines 58-63). Essentially, different versions of a book may be produced from multiple templates merging data with a database of variable information. Fixed information in the template file does not change, while variable information is linked to information stored in the database. Corresponding pages would differ in terms of the variable information stored in the database, and in some cases, would differ from fixed information depending on the design of the template files.

The Examiner maintains that the combination of Palmer and Warmus teaches each feature of the claims. However, neither Palmer nor Warmus determine if any parts of the page has not received corresponding parts data by the time of a page editing operation, and if so, create dummy parts data for the unreceived parts data. There is also no mention of unreceived

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parts data in either Palmer or Warmus. Warmus stores data in a database with which information is merged with templates representing different versions or customizations of a book.

Additionally, Warmus does not receive unreceived parts data to replace dummy parts data. The data in Warmus is already stored in a database ready for merging. Warmus' merging operation searches through the template and substitutes all instances of variable information with a linked image or text box which is stored in the database. Once the template has been processed completely and all image and text boxes in the template have been deleted and replaced with the field name and locations of selected corresponding variable data from the database, the resulting template file is saved as a stripped master file. Processing is completed and no unreceived parts exist. All fixed and variable information is generated upon creation of the database and template files. Warmus' process does not later receive the previously unreceived parts data and replace the dummy parts data.

Warmus' disclosure states that the dummy indicates the proper database field name (column 12, lines 14-18). Because the dummy file actually has an associated database name, it cannot correspond to data unreceived. If the file has a name, then the data was obviously received. Applicants' claims 29, 31, 33 and 35 are dependent claims including all of the elements of independent claims 1, 11, 21 and 22, respectively. At least by virtue of the aforementioned differences, the invention defined by Applicants' claims 29, 31, 33 and 35 are patentable over Palmer in view of Warmus. Reconsideration and withdrawal of the rejection under 35 U.S.C. § 103(a) are respectfully requested.

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In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

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**23373**  
CUSTOMER NUMBER

Date: September 20, 2005